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 Attorney for the Professional Counselor  
 Examiners Committee of the New Jersey  
 State Board of Marriage and Family  
 Therapy Examiners

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**FILED**

*May 7, 2009*  
 STATE OF NEW JERSEY  
 BOARD OF MARRIAGE AND FAMILY THERAPY  
 EXAMINERS

*Ernie J. Schen*

STATE OF NEW JERSEY  
 DEPARTMENT OF LAW & PUBLIC SAFETY  
 DIVISION OF CONSUMER AFFAIRS  
 PROFESSIONAL COUNSELOR EXAMINERS  
 COMMITTEE OF THE STATE BOARD OF  
 MARRIAGE AND FAMILY THERAPY EXAMINERS

IN THE MATTER OF THE  
 SUSPENSION OR REVOCATION OF  
 THE LICENSE OF

Administrative Action

JENNIFER M. DURHAM, LPC  
 License No. 37PC00350000

CONSENT ORDER

TO PRACTICE PROFESSIONAL  
 COUNSELING IN THE  
 STATE OF NEW JERSEY

This matter was opened before the Professional Counselor Examiners Committee of the New Jersey State Board of Marriage and Family Therapy Examiners (hereinafter "the Committee"), upon review of allegations that respondent engaged in repeated boundary violations and a sexual relationship with a client, Mr. S.

Respondent appeared before the Committee on July 10, 2008 with counsel, Charles C. Koernig, Esq. Respondent has admitted that she engaged in repeated boundary violations but denied that she engaged in a sexual relationship with the client.

The Committee has reviewed respondent's experience in the field of professional counseling, the documents provided to the Committee and respondent's testimony before the Committee. The Committee

finds that the repeated boundary violations acknowledged by respondent constitute professional misconduct in violation of N.J.S.A. 45:1-21(e), and thus provides grounds for disciplinary action.

Respondent at this time has agreed to the voluntary suspension of her license to practice professional counseling in the State of New Jersey in accordance with the terms of this Consent Order. The Committee finds the terms of this Consent Order to be adequately protective of the public interest, and respondent desiring to resolve this matter without further proceedings;

IT IS THEREFORE ON THIS 7<sup>th</sup> DAY OF May, 2009  
ORDERED:

1. Respondent's license to practice professional counseling in the State of New Jersey shall be suspended for a period of five (5) years, the first two (2) years to be served as an active suspension, commencing on the date of the filing of this Consent Order. The remainder of the suspension shall be stayed and served as a period of probation. Respondent shall deliver all licensing documents including her original wall certificate and her license and wallet size credential (expiration date November 30, 2008) to Ms. Elaine DeMars, Executive Director of the Professional Counselor Examiners Committee, P.O. Box 45044, 124 Halsey Street, Newark, New Jersey 07101 within twenty (20) days of the filing of the within Consent Order.

2. Respondent shall cease and desist from engaging in any mental health counseling in the State of New Jersey, including but not limited to professional counseling and/or psychotherapy, custody evaluations, court ordered evaluations, any form of coaching such as life coaching and/or volunteer or uncompensated counseling. Respondent shall cease and desist from engaging in any mental health counseling in any exempt settings. No credit shall be granted toward

the active period of suspension required prior to an application for reinstatement for any period during which respondent is practicing any type of counseling in any other jurisdiction or country, whether or not such counseling is provided in an exempt setting.

3. Respondent is reprimanded for engaging in repeated acts of professional misconduct, by the admitted boundary violations, in violation of N.J.S.A. 45:1-21(d) and (e).

4. Respondent shall pay civil penalties in the amount of five thousand dollars (\$5,000.00). Payment shall be by certified check or money order payable to the Treasurer, State of New Jersey and submitted to Elaine DeMars, Executive Director, Professional Counselor Examiners Committee, P.O. Box 45044, Newark, New Jersey 07101. Providing that respondent complies with all of the terms of the Consent Order, the civil penalty shall be stayed and shall be deemed satisfied upon documentation of three (3) years of compliance with the Consent Order.

5. Failure to remit payment as required by this Order will result in the filing of a Certificate of Debt and such other proceedings as are permitted by law.

6. Following respondent's service of two (2) years of active suspension of license, respondent may apply for reinstatement of her license to engage in professional counseling during the remainder of the period of suspension. In that event, respondent shall submit the following documentation:

a. Transcript from a graduate program in professional counseling demonstrating that she attended in-person (not a distance learning and/or internet program) and successfully completed course work pre-approved by the Committee, in the following areas: three (3) credits in ethics and boundaries and three (3) credits in case management.

b. Documentation that respondent has successfully passed the Certified Clinical Mental Health Counselor Credential Examination.

c. A statement signed and dated by the respondent listing each job respondent held in any jurisdiction during the time respondent's license was suspended, including name of business or entity, address, name of supervisor, telephone number of supervisor, dates of employment and description of respondent's duties. In the event respondent was self-employed, respondent shall provide a copy of the IRS 1099 and/or IRS Schedule C that she filed each year during the period of suspension.

d. Documentation of compliance with terms of the Consent Order.

e. If requested by the Committee, respondent shall appear before the Committee, at which time the burden shall be on respondent to demonstrate that she has complied with all the terms of the Consent Order and is fit and competent to engage in the practice of professional counseling.

7. In the event the Committee finds the respondent is fit and competent to practice following the period of active suspension, respondent's license shall be reinstated and respondent shall practice professional counseling on probation for a period of a minimum of three (3) years pursuant to the following conditions:

a. Respondent shall practice professional counseling under the supervision of a supervisor pre-approved by the Committee. The supervisor must have expertise in boundary and ethical issues. The supervisor shall sign a copy of this Consent Order or a subsequent Order filed by the Committee which shall be submitted to the Committee prior to respondent commencing employment as a professional counselor. In the event the supervisor ceases supervising respondent, respondent shall cease and desist engaging in

professional counseling unless and until a new supervisor is approved by the Committee and submits a signed copy of the Consent Order or a subsequent Order to the Committee. Respondent shall immediately (within 24 hours) notify the Committee in writing of any change in supervision.

b. During the period of probation, respondent shall provide all employers immediately upon commencement of employment with a copy of the within Order. Respondent shall be required to provide the Committee with a copy of this Consent Order (or a subsequent Order filed by the Committee) signed by each employer acknowledging that the employer has reviewed this Consent Order within ten (10) days of the commencement of employment.

c. During the period of probation, respondent shall notify the Committee in writing within twenty-four (24) hours of any change in the status of her employment, including any change in location, responsibilities and/or title, or additional places of employment.

d. Respondent's supervisor shall agree to report to the Committee in writing within 72 hours of awareness of any indication that respondent has engaged in any boundary violations, is not capable of continued practice, or has violated the statutes or regulations governing the practice of professional counseling or has been disciplined or terminated from employment. Such notice shall be provided to Elaine DeMars, Executive Director, Professional Counselor Examiners Committee or her designee, at 124 Halsey Street, Newark, New Jersey 07101, (973) 504-6582.

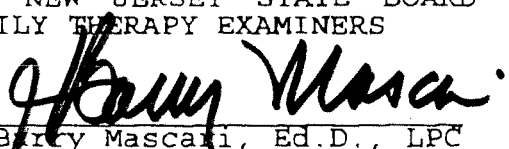
8. If respondent's license is reinstated as provided in paragraph 7 above, at the end of the period of probation provided herein, respondent may apply for an unrestricted license upon demonstrating that she is fit and competent to practice without any restrictions and has complied with all the terms of this Order or any subsequent Order of the Committee. If so requested by the Committee,

respondent shall appear before the Committee where the burden shall be upon respondent to demonstrate to the Committee's satisfaction that she is fit and competent to practice without any restrictions.

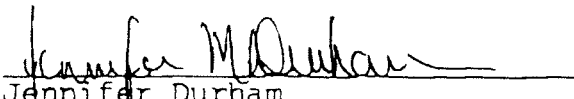
9. If respondent is reinstated as provided in paragraph 7, during the period of probation any deviation from the terms of this Consent Order without the prior written consent of the Committee shall be grounds for an automatic immediate temporary active suspension if the Committee receives information which in its sole discretion the Committee deems reliable that respondent has violated this Consent Order. Respondent may petition the Committee to remove the automatic active suspension on five (5) days notice, requesting a hearing limited to the sole issue of whether respondent has deviated from the terms of the Consent Order.

10. Respondent shall comply with all statutes and regulations, as well as professional standards of conduct and obligations imposed by law on licensed professional counselors.

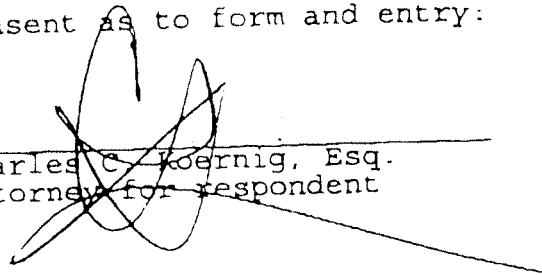
PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE OF  
THE NEW JERSEY STATE BOARD OF MARRIAGE AND  
FAMILY THERAPY EXAMINERS

  
J. Barry Mascari, Ed.D., LPC  
President

I have read the above order and I understand and agree to abide by its terms. Consent is hereby given to the Professional Counselor Examiners Committee of the State Board of Marriage and Family Therapy Examiners to enter this Order.

  
Jennifer Durham

Consent as to form and entry:

  
Charles C. Koernig, Esq.  
Attorney for respondent

**EMPLOYER**

I have read the within Order.

\_\_\_\_\_  
(Print name of signator)  
Name of Employer

License #

Dated: \_\_\_\_\_, 20\_\_

Address:  
Telephone #  
(including area code and extension number)

**SUPERVISOR**

I have read the within Order. I  
agree to the supervision and reporting  
requirements in this Order.

\_\_\_\_\_  
Print Name of Supervisor  
Address:  
Telephone Number  
License No.

Dated: \_\_\_\_\_, 20\_\_